

March 15, 2005

March Fifteenth

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The second regular Meeting of City Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Mayor John C. Hamlin, Jr., T. David Luther, T. Wayne Oakes, Sherman M. Saunders, and H. Phillip Smith (8).

Staff members present were City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities Joseph C. King, Finance Director Aubrey D. Dodson, Deputy Director of Finance Barbara A. Dameron, City Attorney W. Clarke Whitfield, Jr., and City Clerk Annette Y. Crane, CMC.

Other Staff Members present were Transportation Services Director Marc Adelman, Economic Development Director Ron Bunch, Community Development Director Jerry Fischer, and Community Development Coordinator Anne Moore.

Mayor Hamlin presided.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Stokes Daniels offered the invocation. The Pledge of Allegiance to the Flag followed.

#### **MINUTES**

Council Member Luther called attention to a correction in the Minutes. On Regular Minutes Page 34, the words "Jefferson Avenue" should read "Goodyear Boulevard." The City Clerk noted the correction.

Upon Motion by Council Member Daniels and second by Council Member Archie, Minutes of the March 1, 2005 Meeting of City Council were approved as amended. Draft copies had been distributed to Council Members prior to the Meeting.

#### **HEARING-BUDGET ADOPTION-FY 2004-2005-YORKTOWNE INCENTIVE PACKAGE**

Mayor Hamlin opened the floor for a Public Hearing to consider an amendment to the FY 2004-2005 Budget Appropriation Ordinance relating to a Yorktowne Incentive Package. Notice of the Public Hearing had been duly published in the Danville Register and Bee on March 8, 2005. No one present desired to be heard and the Public Hearing was closed.

Upon Motion by Council Member Castiglione and second by Council Member Oakes, Ordinance No. 2005-03.03 presented by its First Reading on March 1, 2005 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance by increasing from the General Fund for a City Grant Package for the Yorktowne Project for a

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total appropriation in the amount of \$3,581,500 and appropriating the same was adopted by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,  
Saunders, and Smith (8).  
NAY: None (0).

**BUDGET AMENDMENT-FY 2004-2005-FIRST RESPONDERS COMMUNICATIONS**

Upon Motion by Council Member Daniels and second by Council Member Smith, an Ordinance entitled:

ORDINANCE NO. 2005-03.04

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE TO ANTICIPATE THE RECEIPT OF FUNDS FROM THE COMMONWEALTH OF VIRGINIA COMMUNICATIONS INTEROPERABILITY GRANTS PROGRAM FOR ONE (1) GRANT IN THE AMOUNT OF \$99,250 TO BE USED TOWARD THE PROCUREMENT OF EQUIPMENT, TECHNOLOGY AND OTHER MATERIAL DIRECTLY RELATED TO IMPROVING THE COMMUNICATIONS ABILITY OF FIRST RESPONDERS IN THE CITY OF DANVILLE

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

**BUDGET AMENDMENT-FY 2004-2005-UDAG FUNDS-URBAN HIGHWAY FUNDS**

Upon Motion by Council Member Archie and second by Council Member Daniels, an Ordinance entitled:

ORDINANCE NO. 2004-03.05

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE FOR A PROJECT TO BE UNDERTAKEN WITHIN THE CITY AND TO BE FINANCED THROUGH THE COMMUNITY DEVELOPMENT FUND BALANCE OF UDAG FUNDS IN THE AMOUNT OF \$55,000 AND ANTICIPATING REVENUES FROM VIRGINIA DEPARTMENT OF TRANSPORTATION URBAN HIGHWAY FUNDS IN THE AMOUNT OF \$80,852 FOR A TOTAL APPROPRIATION IN THE AMOUNT OF \$135,852

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

**SECTION 5303 TRANSPORTATION PLANNING FUNDS-TRANSIT SYSTEM**

Council Member Archie moved the adoption of a Resolution entitled:

R2005-03.01

A RESOLUTION REQUESTING THE DANVILLE URBANIZED AREA METROPOLITAN PLANNING ORGANIZATION TO APPLY FOR FEDERAL TRANSIT ADMINISTRATION SECTION 5303 TRANSPORTATION PLANNING FUNDS.

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Council Member Oakes seconded the Motion.

Council Member Saunders asked how the planning grant would help with businesses, women, minorities and others.

Transportation Services Director Marc Adelman said the funds would be used for grants management, salaries, transit marketing, and administrative costs for the transit system. He said the marketing activities would include promotion of the trolley buses as part of the Reserve-a-Ride operation. Mr. Adelman said that as far as the transit system's participation as a whole, the grant would improve opportunities for minority mobility and access.

Deputy City Manager Lacy said every time the City receives Federal funds, there is always a set of criteria that requires compliance with the Civil Rights Act of 1964. Mr. Lacy said that Mr. Adelman's plan for the funds is to use them for the normal operations of the City's transit system; specifically, the plans are to use some of the funds to pay 50% of Mr. Adelman's salary.

City Manager Gwaltney reiterated the City's funds had been designated for administrative costs in the transit system. He said that as long as there is overall compliance throughout the entire Planning District, then the district, as a whole, would meet the criteria as set forth by the federal government.

The Resolution was adopted by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, and Smith (8).  
NAY: None (0).

**AWARD AUDIT CONTRACT TO GOODMAN & COMPANY, INDEPENDENT AUDITORS**

Deputy City Manager Lacy called attention to a correction in the Resolution awarding the contract to Goodman and Company. The dates in the Resolution should read "June 30, 2005 and June 30, 2006."

Council Member Castiglione moved the adoption of a Resolution (as amended) entitled:

RESOLUTION NO. 2005-03.02

A RESOLUTION AWARDING THE ANNUAL AUDIT OF LOCAL GOVERNMENT RECORDS CONTRACT TO GOODMAN AND COMPANY, INDEPENDENT AUDITORS.

The Motion was seconded by Council Member Archie and adopted by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, and Smith (8).

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NAY:           None (0).

#### **COMMUNICATIONS**

City Manager Gwaltney advised that Economic Development Director Ron Bunch and Research and Marketing Director Renee' Wyatt had recently received the Certified Economic Developer designation. Mr. Gwaltney said the certification was the highest award given in the field of economic development. He said the award was recognized both nationally and internationally and that there were only 1200 certified economic developers in the United States and was an indication of how well both Mr. Bunch and Ms. Wyatt conducted business on behalf of the City. He congratulated them both for this distinguished achievement.

City Attorney Whitfield extended condolences to the family of Charlie Moreau. Mr. Moreau, a local attorney, passed away on Monday after a courageous two-year battle with cancer. Mr. Whitfield said Charlie would be greatly missed by his Danville Bar Association colleagues.

There were no communications from the Deputy City Manager and the City Clerk.

#### **ROLL CALL**

All Council Members offered sympathy and prayers to the family of Attorney Charlie Moreau. Mr. Moreau was the brother-in-law of Vice-Mayor Williams and son-in-law of former Mayor Ronald Williams.

Council Member Archie reported she had just returned this afternoon from a National League of Cities meeting in Washington, D. C. Mrs. Archie said many of the 2400 attendees wore "Save CDBG" buttons because it has been proposed that the CDBG program be placed under the auspices of the Department of Commerce. Presently, CDBG falls under the HUD umbrella. Because it is believed that CDBG funds would be greatly reduced if placed in the Commerce Department, Mrs. Archie said the group would continue to work to keep the CDBG program in HUD's Department.

Mrs. Archie felt the "No Child Left Behind Program" was improperly administered. She said she spoke from the floor of the meeting to inquire if it had ever been considered that children learn at a different rate. She felt that to test all youngsters using a standardized test and to hold schools and teachers accountable is far-fetched. Mrs. Archie said that because children did learn at a different rate, standardized testing is not the way to test these youngsters. She said officials of the program are declaring that all school children would pass the tests by the Year 2014. She said she had never known any group of youngsters that had been educated to do things alike.

Mrs. Archie felt that an inadequate number of teachers had been asked for input into the program and said that online tutors from

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India would be tutoring these youngsters. She expressed great concern about the situation and said more parents needed to get involved in the education of school children.

Council Member Castiglione agreed with Mrs. Archie about the "No Child Left Behind" program. He said he has spoken with Congressman Virgil Goode last week and Mr. Goode, too, was not in favor of the program.

Mr. Castiglione also expressed concern about the CDBG move. He said local controls regarding use of the funds would be lost. Mr. Castiglione felt localities should retain local control and be able to use these funds where they are most needed.

Mr. Castiglione commended Emergency Services Director Doug Young. He said Mr. Young had headed up an emergency response program earlier this week with businesses and industries and had done an excellent job. He said new industries in Danville were very impressed that Danville had taken the initiative by offering the program before an emergency arose. Mr. Castiglione said the group was very impressed with the work Doug was doing.

Council Member Daniels requested information from City Manager Gwaltney. He asked the City Manager for an update on the efficiency of the sick leave benefit for City employees. Mr. Daniels requested a report containing the amount of sick leave used by employees over the last three (3) years.

Mr. Daniels asked the City Manager for information pertaining to a personnel matter and what it costs the City. He further requested that Mr. Gwaltney provide him with the revenue equivalency of a penny in real estate taxes.

Mayor Hamlin asked Community Development Director Ron Bunch to investigate the possibility of arranging a place for the Division of Motor Vehicles (DMV) to give the Commercial Driver's License (CDL) driver's test. The Mayor said he understood DMV no longer has a facility at which to administer the test.

Council Member Oakes said he attended his first Tourism Board Meeting last week and stated he was very impressed with the enthusiasm and activities among the members. Mr. Oakes said he observed dedicated individuals who are earnestly promoting tourism for Danville and the region.

Council Member Saunders stated he had seen a Chambergram message today that included an item relating to flight service in Danville. He asked City Manager Gwaltney to check on that.

Mr. Saunders said he continues to receive calls about employee pay increases this year. He said he knew the word was out that there might not be a recommendation for employee pay raises. He asked Mr. Gwaltney to look at the pay parity for firefighters and police officers in terms of adjustments made prior to Mr. Gwaltney's becoming City Manager. Mr. Saunders said he would

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like to see something done for our public safety personnel as well as for others.

**CLOSED MEETING**

At 7:33 P. M. Mayor Hamlin recognized Council Member Daniels who moved that the meeting be recessed and that Council immediately convene in Closed Meeting for discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely impact the bargaining position of the City as permitted by Subsection (A) (3) of Section 2.2-3711 of the Code of Virginia, 1950, as amended; and, for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made as permitted by Subsection (A) (5) of Section 2.2-3711 of the Code of Virginia, 1950, as amended, and more specifically to consider an economic development update to discuss both a prospective industry and the expansion of an existing business or industry where no previous announcement has been made. The Motion was seconded by Council Member Archie and carried by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, and Smith (8).  
NAY: None (0).

At 9:13 P.M. Council Member Daniels moved that Council adopt the following Resolution.

**CERTIFICATE OF CLOSED MEETING**

WHEREAS, the Council convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia, 1950, as amended, requires a Certification by the Council that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted by the open requirements of Virginia Law were discussed in the Closed Meeting to which this Certification Resolution applies, and (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed, or considered by the Council.

The Motion was seconded by Council Member Archie and carried by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, and Smith (8).

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NAY:                      None (0).

The Meeting adjourned at 9:13 P.M.

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MAYOR

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CLERK